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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-38

13 PAUL ANDREW ASHBAUGH
14 1472 Orpheus Avenue
Encinitas, CA 92024-1760

A C C U S A T I O N

15 Registered Nurse License No. 216470

16 Respondent.
17

18 Complainant alleges:
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20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about July 31, 1971, the Board issued Registered Nurse License
24 Number 216470 to Paul Andrew Ashbaugh ("Respondent"). Respondent's registered nurse
25 license was in full force and effect at all times relevant to the charges brought herein and will
26 expire on May 31, 2009, unless renewed.

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3. Business and Professions Code (“Code”) section 2750 provides, in

4. Code section 2764 provides, in pertinent part, that the expiration of a license does not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against a licensee or to render a decision imposing discipline on the license. Under Code section 2764 subdivision (b), the Board may renew an expired license at any time within eight months of the expiration.

(a) Unprofessional conduct, which includes, but is not limited to, the following:

6. California Code of Regulations, title 16, section (“Regulation”) 1442

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 11. Respondent is subject to disciplinary action pursuant to Code section
4 2761, subdivision (a), in that in and between April 2005, and April 2006, while employed as the
5 Registered Nurse Lead in the Endoscopy and Videoscopy area of the operating room at Scripps
6 Green Hospital, La Jolla, California, Respondent committed acts constituting unprofessional
7 conduct, as set forth in paragraph 9 above.

8 **PRAYER**


9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 216470, issued
12 to Paul Andrew Ashbaugh;

13 2. Ordering Paul Andrew Ashbaugh to pay the Board of Registered Nursing
14 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 8/21/08.

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19 
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

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22 Complainant
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